

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Patrick Yu	Team: Squad #16	CCRB Case #: 201705013	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/11/2017 7:00 PM, Wednesday, 04/12/2017	Location of Incident: Valentine Avenue between East 184th Street and East 187th Street; East 165th Street and Grand Concourse	Precinct: 46	18 Mo. SOL 10/11/2018	EO SOL 10/11/2018	
Date/Time CV Reported Wed, 06/21/2017 10:02 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 06/21/2017 10:02 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Edwin Ching	01578	917418	046 PCT
2. POF Jeymi Montas	10624	949353	044 PCT
3. POM Steven Cruver	11884	950250	044 PCT
4. POM Harris Haskovic	27534	953953	044 PCT
5. SGT Miroslav Maric	02674	932957	044 PCT
6. SDS Franklin Bohr	02618	892920	INT CIS
7. POM Marco Morrone	10632	955223	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SDS Franklin Bohr	Discourtesy: On April 11, 2017, at Valentine Avenue between East 184th Street and East 187th Street, in the Bronx, Sergeant Franklin Bohr spoke discourteously to § 87(2)(b)	
B.SDS Franklin Bohr	Abuse: On April 11, 2017, at Valentine Avenue between East 184th Street and East 187th Street, in the Bronx, Sergeant Franklin Bohr stopped the vehicle in which § 87(2)(b) was an occupant.	
C.SGT Edwin Ching	Abuse: On April 11, 2017, at Valentine Avenue between East 184th Street and East 187th Street, in the Bronx, Sergeant Edwin Ching stopped the vehicle in which § 87(2)(b) was an occupant.	
D.POM Marco Morrone	Abuse: On April 11, 2017, at Valentine Avenue between East 184th Street and East 187th Street, in the Bronx, Police Officer Marco Morrone stopped the vehicle in which § 87(2)(b) was an occupant.	
E.POF Jeymi Montas	Abuse: On April 12, 2017, at East 165th Street and Grand Concourse, in the Bronx, Police Officer Jeymi Montas stopped the vehicle in which § 87(2)(b) was an occupant.	
F.SGT Miroslav Maric	Abuse: On April 12, 2017, at East 165th Street and Grand Concourse, in the Bronx, Sergeant Miroslav Maric stopped the vehicle in which § 87(2)(b) was an occupant.	

Officer(s)	Allegation	Investigator Recommendation
G.POM Harris Haskovic	Abuse: On April 12, 2017, at East 165th Street and Grand Concourse, in the Bronx, Police Officer Harris Haskovic stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
H.POM Steven Cruver	Abuse: On April 12, 2017, at East 165th Street and Grand Concourse, in the Bronx, Police Officer Steven Cruver stopped the vehicle in which § 87(2)(b) was an occupant.	[REDACTED]
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]
§ 87(2)(g), § 87(4-b)	[REDACTED]	[REDACTED]

Case Summary

On June 21, 2017, § 87(2)(b) filed this complaint with the CCRB via phone. During his CCRB interview, § 87(2)(b) complained about two different incidents.

On April 11, 2017, at approximately 7:00 p.m., § 87(2)(b) was stopped at a stop light on East 184th Street and Valentine Avenue, in the Bronx, when a police vehicle drove past. Sgt. Franklin Bohr, Sgt. Edwin Ching, and PO Marco Morrone of the 46th Precinct were inside of this police vehicle. As the vehicle drove past, § 87(2)(b) heard Sgt. Bohr say, “Oh shit, it’s § 87(2)(b) as an unmarked vehicle drove pass (**Allegation A**). The vehicle subsequently pulled up next to § 87(2)(b) s vehicle, and Sgt. Bohr told § 87(2)(b) to pull over on Valentine Avenue between 184th Street and 187th Street, in the Bronx. Subsequently, Sgt. Bohr, Sgt. Ching, and PO Morrone approached § 87(2)(b) s vehicle (**Allegation B, Allegation C, and Allegation D**). During the interaction, § 87(2)(b) provided his license, registration, and insurance to the officers. Shortly after, § 87(2)(b) s documents were returned to him and the officers left the scene. § 87(2)(b) was not issued a summons or arrested during the incident.

On April 12, 2017, at approximately 11:20 p.m., § 87(2)(b) was pulled over by an unmarked police vehicle on East 165th Street and the Grand Concourse, in the Bronx. Sgt. Miroslav Maric, PO Harris Haskovic, and PO Steven Cruver, of the 44th Precinct were present as PO Jeymi Montas, also of the 44th Precinct, approached § 87(2)(b) s vehicle and requested for his license and registration (**Allegation E, Allegation F, Allegation G, and Allegation H**). During the interaction, PO Montas told § 87(2)(b) “You might want to stop by the precinct sometime.” § 87(2)(b) was released and was not issued a summons or arrested during the incident.

§ 87(4-b), § 87(2)(g)

This case contains video evidence, SnagIt copies of which have been placed below. Please note that the original videos can be found at (Board Review 03 and 04) and the transcriptions can be found at (Board Review 05 and 06). The two videos were obtained from § 87(2)(b) s cellphone.

The following is a video recording from § 87(2)(b) s cellphone depicting the incident that occurred on April 11, 2017.



2017-09-15_9-54-18.mp4

The following is a video recording from § 87(2)(b) s cellphone depicting the incident that occurred on April 12, 2017.



2017-09-15_10-08-02.mp4

Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation during his CCRB interview.

- As of July 11, 2017, § 87(2)(b) has not filed a Notice of Claim in regards to this incident (Board Review 31).

- § 87(2)(b), § 87(2)(c)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 15).
- Sgt. Bohr has been a member of the NYPD for 30 years and has had 28 CCRB allegations pleaded against him in 12 cases; five of his previous allegations had been substantiated. § 87(2)(g)
- In case number 9600841, an allegation of a search of a person was substantiated by the Board, but no recommendation was made.
- In case number 200100716, an allegation of force, question and/or stop, threat of force, and discourtesy were substantiated and the Board recommended charges. It was indicated that there was a guilty plea that resulted in the NYPD imposing a loss of 20 vacation days.
- Sgt. Ching has been a member of the NYPD for 21 years and has had 32 CCRB allegations pleaded against him in 15 cases; one of his previous allegations had been substantiated and he was cited for other misconduct in two cases. § 87(2)(g)
- § 87(2)(g), § 87(4-b)
- In case number 201509243, he was cited for § 87(2)(g), § 87(4-b) and the Board substantiated an allegation of a vehicle search. The NYPD imposed the Board's recommendation for Sgt. Ching to receive formalized training.
- PO Morrone has been a member of the NYPD for four years and has had seven CCRB allegations pleaded against him in two cases; one of his previous allegations had been substantiated. § 87(2)(g)
- In case number 201508081, an allegation of a frisk was substantiated by the Board. The NYPD imposed the Board's recommendation for PO Morrone to receive formalized training.
- PO Montas has been a member of the NYPD for seven years and has had two CCRB allegations pleaded against her in two cases; § 87(2)(b)
- PO Haskovic has been a member of the NYPD for four years and has had four CCRB allegations pleaded against him in two cases; two of his previous allegations had been substantiated. § 87(2)(g)
- In case number 201406199, an allegation of a frisk and search was substantiated against PO Haskovic. The Board recommended Command Discipline A for both

- substantiations. The NYPD imposed formalized training for the improper frisk; there was no indication of a punishment imposed for the allegation of the search.
- PO Cruver has been a member of the NYPD for six years and has had one prior CCRB allegation pleaded against him in one case which had not been substantiated. As of date, he has four pending CCRB allegations against him in one case. § 87(2)(g)
 - Sgt. Maric has been a member of the NYPD for 13 years and has had 22 CCRB allegations pleaded against him in five cases with one substantiated allegation.
 - In case number 201702185, allegations of a vehicle stop, vehicle search, frisk, and search were substantiated by the Board § 87(4-b), § 87(2)(g). The NYPD's disposition is still pending.

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) recalled seeing only three officers present during the vehicle stop on April 12, 2017 (Board Review 02). He stated that he interacted with a Hispanic female officer in her late twenties or early thirties, wearing plainclothes, 5'5" tall, with chubby build, and black hair tied in a ponytail. § 87(2)(b) stated that two other officers were also present. He described one of the officers as a white male, approximately 32 years old, 5'6"-5'7" tall, with slim build and a goatee, and wearing a black long sleeve shirt with a cap. He was only able to describe the third officer as a white male dressed in plainclothes.
- NYPD documents indicated that PO Montas conducted a warrant check of § 87(2)(b) on April 12, 2017, at the approximate time of the incident (Board Review 26 and 27). Additionally, PO Montas recorded the incident in her memo book and she admitted to interacting with § 87(2)(b) during the vehicle stop during her CCRB interview (Board Review 07 and 16). Therefore, **Allegation E** was pleaded to her.
- In her CCRB testimony, PO Montas stated that Sgt. Maric, PO Haskovic, and PO Cruver were present during the incident on April 12, 2017 (Board Review 07).
- The Roll Call indicated that PO Montas, PO Haskovic, and PO Cruver were all assigned to Anti-Crime and were assigned to vehicle # 9991 while Sgt. Maric was assigned as the Anti-Crime supervisor (Board Review 25).
- Even though Sgt. Maric did not have an independent recollection of this incident, he had a memo book entry further regarding the stop of § 87(2)(b)'s vehicle (Board Review 33). Therefore, **Allegation F** has been pleaded against Sgt. Maric.
- Neither PO Haskovic nor PO Cruver had an independent recollection of this incident (Board Review 08 and 09). However, PO Haskovic's memo book notes that he worked in vehicle # "991" with PO Cruver and PO Montas. Therefore **Allegation G** and **Allegation H** have been pleaded against PO Haskovic and PO Cruver.

Allegations not pleaded

Refusal to process civilian complaint:

In his CCRB testimony, § 87(2)(b) stated that when he went to the stationhouse and informed an officer that he wanted to file a complaint against Sgt. Bohr and Sgt. Ching, the officer provided him with the CCRB's phone number and the names of the officers he interacted with on April 11,

2017. § 87(2)(b) affirmed that he did not have any complaints against this officer and that she provided with the information he needed. Thus, upon § 87(2)(b)'s request, this allegation has not been pleaded.

Allegation A -Discourtesy: On April 11, 2017, at Valentine Avenue between East 184th Street and East 187th Street, in the Bronx, Sergeant Franklin Bohr spoke discourteously to

§ 87(2)(b)

It is in dispute whether or not Sgt. Bohr used profanities prior to stopping § 87(2)(b)'s vehicle on April 11, 2017.

In his CCRB statement, § 87(2)(b) stated that on April 11, 2017, he heard Sgt. Bohr who was sitting in the driver seat of the unmarked vehicle say, "Oh shit, it's § 87(2)(b) while the vehicle was slowly passing his vehicle (Board Review 01). § 87(2)(b) stated that both his driver window and the police vehicle's driver window were lowered at the time and he and Sgt. Bohr made eye contact. § 87(2)(b) did not believe he had any prior interactions with any of the officers.

In his CCRB testimony, Sgt. Bohr affirmed that he was the driver of the police vehicle during the vehicle stop on April 11, 2017 (Board Review 12). Sgt. Bohr stated that while the officers were in the vehicle, he had a discussion with them in regards to recognizing § 87(2)(b) because he wanted to alert the officers of the potential danger and of § 87(2)(b)'s violent history. Sgt. Bohr stated that he might have called § 87(2)(b) by his street name, "Shorty Rock," but he did not recall anything else he said to the officers. Furthermore, Sgt. Bohr also did not recall saying, "Oh shit, it's § 87(2)(b) or using any profanities.

Sgt. Ching and PO Morrone both stated that Sgt. Bohr did not indicate that he recognized § 87(2)(b) or otherwise had any prior interactions with him (Board Review 11 and 13). Additionally, Sgt. Ching and PO Morrone both denied hearing Sgt. Bohr say, "Oh shit, it's § 87(2)(b) or using any profanities. During his CCRB interview, PO Morrone also added that he did not hear Sgt. Bohr refer to § 87(2)(b) by any names.

The cellphone video footage provided by § 87(2)(b) did not capture the incident that occurred prior to the officers approaching his vehicle (Board Review 15).

§ 87(2)(b), § 87(2)(g)

Allegation B –Abuse of Authority: On April 11, 2017, at Valentine Avenue between East 184th Street and East 187th Street, in the Bronx, Sergeant Franklin Bohr stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation C –Abuse of Authority: On April 11, 2017, at Valentine Avenue between East 184th Street and East 187th Street, in the Bronx Sergeant Edwin Ching stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation D –Abuse of Authority: On April 11, 2017, at Valentine Avenue between East 184th Street and East 187th Street, in the Bronx, Police Officer Marco Morrone stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that Sgt. Bohr, Sgt. Ching, and PO Morrone stopped and approached § 87(2)(b)'s vehicle.

In his CCRB statement, § 87(2)(b) stated that he was not aware of violating any traffic or vehicle infractions during the incident on April 11, 2017 (Board Review 01). § 87(2)(b) stated that after he observed an unmarked police vehicle drive by, the vehicle pulled to the side of § 87(2)(b)'s vehicle and Sgt. Bohr told § 87(2)(b) to pull over. § 87(2)(b) asked “why,” but Sgt. Bohr responded by telling § 87(2)(b) to pull over or stop there. § 87(2)(b) stated that he stopped his vehicle and then all three officers approached. § 87(2)(b) stated that Sgt. Ching asked for his license and insurance and Sgt. Bohr later asked for his registration. § 87(2)(b) stated that he provided the documents to the officers. During the incident, Sgt. Ching asked him if he was borrowing the vehicle, how long he had the vehicle, and if he had the same address. Sgt. Bohr also asked § 87(2)(b) if he had anything illegal in the car. § 87(2)(b) asked the officers why he was stopped, but they never told him the reason for the stop. Shortly after, the documents were returned to § 87(2)(b) and the officers left without issuing him a summons or arresting him.

In his CCRB testimony, Sgt. Bohr stated that he recalled that either Sgt. Ching or PO Morrone observed § 87(2)(b)'s vehicle committing a violation, but he did not recall what the violation was and he denied observing the violation (Board Review 12). Sgt. Ching and PO Morrone both affirmed that PO Morrone was the only officer who observed § 87(2)(b) rolling through a stop sign (Board Review 11 and 13). Additionally, all three officers stated that they stopped § 87(2)(b)'s vehicle for the sole purpose of addressing the traffic infraction. Only Sgt. Bohr stated that he recognized § 87(2)(b) after approaching the vehicle. Sgt. Bohr stated that he had knowledge that § 87(2)(b) was accused of numerous crimes and was a victim of a shooting in the past.

Sgt. Bohr, Sgt. Ching, and PO Morrone documented the vehicle stop in their memo books (Board Review 19, 20 and 21). However, only Sgt. Ching and PO Morrone noted that the vehicle was stopped for driving through a stop sign.

Sgt. Bohr and Sgt. Ching acknowledged that they both spoke with § 87(2)(b) to request for his documents (Board Review 11 and 12). PO Morrone stated that he stayed towards the rear of the vehicle and did not hear any of the conversations between § 87(2)(b) and the other officers (Board Review 13). Sgt. Bohr stated that he made the independent decision to release § 87(2)(b) with a warning because § 87(2)(b) had his license and registration. None of the officers

acknowledged informing § 87(2)(b) of the reason for the vehicle stop. Moreover, none of the officers were aware of any open I-CARDS, warrants, or investigations for § 87(2)(b).

At various points throughout the video cellphone recording obtained from § 87(2)(b)'s phone, Sgt. Bohr and Sgt. Ching could be heard asking § 87(2)(b) for his documents and asking him questions regarding his vehicle and address (Board Review 15). However, the recording did not capture what occurred prior to the officers approaching § 87(2)(b)'s vehicle or the officers informing § 87(2)(b) of the reason for the stop.

§ 87(2)(b), § 87(2)(g)

Allegation E –Abuse of Authority: On April 12, 2017, at East 165th Street and Grand Concourse, in the Bronx, Police Officer Jeymi Montas stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation F –Abuse of Authority: On April 12, 2017, at East 165th Street and Grand Concourse, in the Bronx, Sergeant Miroslav Maric stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation G –Abuse of Authority: On April 12, 2017, at East 165th Street and Grand Concourse, in the Bronx, Police Officer Harris Haskovic stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation H –Abuse of Authority: On April 12, 2017, at East 165th Street and Grand Concourse, in the Bronx, Police Officer Steven Cruver stopped the vehicle in which § 87(2)(b) was an occupant.

It is undisputed that PO Montas approached § 87(2)(b)'s vehicle on April 12, 2017.

In his CCRB testimony, § 87(2)(b) stated that on April 12, 2017, he signaled left as he was directly behind the crosswalk on East 165th Street and the Grand Concourse as he was intending to make a left turn onto the Grand Concourse (Board Review 02). Once § 87(2)(b) made the left turn, he was stopped by an unmarked vehicle via police. Three officers exited the vehicle and PO Montas asked for his license and registration. When § 87(2)(b) asked for the reason for the stop, PO Montas responded by telling him that he did not signal that he would be turning left 100 feet before turning. PO Montas eventually gave § 87(2)(b) a warning, returned his documents, and left the scene.

In her CCRB interview, PO Montas stated that she observed § 87(2)(b)'s vehicle failing to signal at least 100 feet before turning (Board Review 07). PO Montas stated that she did not have any further recollection of this incident. She did not recall whose decision it was to stop the vehicle and she did not recall if there were any conversations in regards to the violation. PO Montas stated that she did not have any prior knowledge of the vehicle, knowledge of the license plate, or knowledge of the owner of the vehicle.

Aside from his memo book entry noting that § 87(2)(b)'s vehicle failing to signal, Sgt. Maric did not have an independent recollection of this incident (Board Review 10 and 33).

PO Cruver and PO Haskovic did not have an independent recollection of this incident or recall stopping any vehicles on April 12, 2017 (Board Review 08 and 09). In his CCRB testimony, PO Cruver stated that he conducts zero to 20 vehicle stops on a daily basis, but he did not recall if he stopped any vehicles on April 12, 2017. PO Haskovic also did not recall if he stopped any vehicles on April 12, 2017.

The cell phone video footage which § 87(2)(b) provided only depicted a female officer, identified via the investigation as PO Montas, saying "You might want to stop by a precinct sometime, okay," beginning at the 00:26 second mark (Board Review 14). PO Montas did not say anything else in the video.

A Google Maps image of the East 165th Street and the Grand Concourse indicated that the Grand Concourse is a four lane street with service roads on each side of the street divided by a median (Board Review 29). According to Google maps, to get from one corner of East 165th Street to the point where a left turn could be made on the Grand Concourse is approximately 75 feet (Board Review 30).

A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning, New York State Vehicle Traffic Law §1163 (b) (Board Review 22).

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

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Squad:

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date